

APPROVED

By franklandf at 9:54 am, Jun 20, 2016

Barbara H. Penson

IN THE SUPERIOR COURT FOR THE COUNTY OF FLOYD
STATE OF GEORGIA

| | | |
|---------------------|---|---------------------------|
| STATE OF GEORGIA |) | FILE NO. 15CR02515-JFL003 |
| |) | |
| VS. |) | |
| |) | Volume 1 of 1 |
| DENVER FENTON ALLEN |) | Pages 1 through 20 |

COURT ADVISES DEFENDANT REGARDING REPRESENTATION
BY PUBLIC DEFENDER ON DEFENDANT'S ORAL MOTION TO FIRE HIS
ASSIGNED ATTORNEY

TRANSCRIPT OF PROCEEDINGS

Before The Honorable J. BRYANT DURHAM, JR., Superior
Court Judge, Rome, Georgia, on Friday, June 17, 2016

APPEARANCES OF COUNSEL:

For the State: Luke Martin, Esq.
Assistant District Attorney
3 Government Plaza, Suite 108
Rome, Georgia 30161

For the Defendant: James C. Wyatt, Esq.
Conflict Public Defender
12 East Fourth Avenue
Rome, Georgia 30161

FAY FRANKLAND, C.C.R.
OFFICIAL COURT REPORTER
3 GOVERNMENT PLAZA, SUITE 214
ROME, GEORGIA 30161

1 [The Court advises defendant regarding representation
2 by the public defender on defendant's oral motion to fire
3 his assigned attorney; Friday, June 17, 2016, at 2:08
4 p.m. in open court:]

5 THE COURT: Okay. Mr.-Mr. Allen?

6 DEFENDANT ALLEN: Right.

7 THE COURT: I believe that-I believe your case is-
8 was going to be going to trial not this Monday but the
9 following Monday.

10 Okay. Do you understand that?

11 MR. ALLEN: Yes. Uh-

12 THE COURT: Okay. I tell you if you needed to tell
13 me something, I want-I'll let you come up here to the
14 podium so you can speak into the microphone, and I can
15 hear you.

16 [The defendant approached the podium.]

17 MR. ALLEN: Yes. The attorney here, I'm wanting to
18 fire him.

19 THE COURT: Uh-huh [affirmative].

20 MR. ALLEN: And, you know, I don't feel like he's
21 doing any-

22 THE COURT: Who are you going to who are you going
23 to hire?

24 MR. ALLEN: I'm not going to hire nobody. I'm going
25 to try to get a different public defender.

1 THE COURT: There isn't-you-you have a right to an
2 attorney.

3 MR. ALLEN: This lawyer has-

4 THE COURT: You don't have a right to a specific
5 attorney.

6 MR. ALLEN: This lawyer has made sexual advancements
7 on me. He-

8 THE COURT: Well-

9 MR. ALLEN: He's mis-misrepresenting my case. He
10 told me if-if I wanted him to do a good job, I had to let
11 him give me oral sex. He's had doctors at Central State
12 Hospital put a false-

13 THE COURT: He's had doctors at Central State
14 Hospital?

15 MR. ALLEN: -put a false diagnosis on me.

16 THE COURT: Okay.

17 MR. ALLEN: Uh-

18 THE COURT: I don't-you know, I know Mr. Wyatt pretty
19 well, and I don't think he has the ability to make doctors
20 at Central State do anything.

21 MR. ALLEN: Well, they did it, and he's the one that
22 had me sent down there.

23 THE COURT: Well, they may have done it, but I don't
24 think he had anything to do with it.

25 MR. ALLEN: All right. Well, he won't give me the

1 discovery.

2 THE COURT: He-well, I'm-

3 MR. ALLEN: There's things in discovery he's supposed

4 to give-he gave me the indictment and told me that was

5 discovery.

6 THE COURT: Okay.

7 MR. ALLEN: They're altering-

8 THE COURT: Okay.

9 MR. ALLEN: -documents that I've read-

10 THE COURT: If you-if you want-if you want the

11 indictment, I'll make sure you get a copy of the

12 indictment.

13 MR. ALLEN: No. I'm saying I got the indictment-

14 THE COURT: Uh-huh [affirmative].

15 MR. ALLEN: -but he's-he's not complying with

16 discovery.

17 THE COURT: Okay.

18 MR. ALLEN: I'm supposed to get the autopsy report,

19 the coroner report, pictures of the crime scene-

20 THE COURT: Cor-coroner report?

21 MR. ALLEN: -criminal background records. I want--

22 THE COURT: Is this a murder?

23 DEPUTY SHERIFF: In the county jail.

24 THE COURT: Okay.

25 MR. ALLEN: Yeah. I supposed to get criminal

1 background records, investigational summaries.

2 THE COURT: Mr. Wyatt, what discovery do you have?

3 MR. WYATT: I've given him everything I have.

4 THE COURT: You've given him everything you have?

5 MR. WYATT: Yes, sir.

6 THE COURT: He's given you everything-

7 MR. ALLEN: This is a murder case, and you're-

8 THE COURT: Huh?

9 MR. ALLEN: This is a murder case, and you're telling

10 me the only thing on discovery is a four-page indictment.

11 THE COURT: I don't think he's saying that. I think

12 he said he's given you everything that he has.

13 MR. ALLEN: He ain't give me the autopsy report.

14 He ain't give me the coroner's report. He ain't give me-

15 THE COURT: Well, it may be that he doesn't have

16 that. I don't know.

17 MR. ALLEN: That's what I've been trying to get.

18 He didn't give me pictures of the crime scene. I've seen

19 other people go to trial on-on murder charges. I've seen

20 what you're supposed to get. I'm not going to work with

21 this attorney.

22 THE COURT: Well, you know, you-you-

23 MR. ALLEN: It's not-it's not going to happen.

24 THE COURT: You've got-you've got-

25 MR. ALLEN: I'm not going to trial with this

1 attorney.

2 THE COURT: Well, you've got two choices. One, you
3 can go to trial with him, or, two, you can try the case
4 yourself.

5 Now, I definitely, completely think that that's-

6 MR. ALLEN: I've got a right to have-

7 THE COURT: Wait a minute. Listen to me. That would
8 be the biggest mistake you've ever made in your life.

9 MR. ALLEN: So basically you're sitting here telling
10 me-

11 THE COURT: Now, you have a-

12 MR. ALLEN: -you're going to find me guilty if I-if
13 I go to trial and try to defend myself?

14 THE COURT: You're probably right. That would be my
15 guess if you try to defend yourself.

16 You-you don't know anything about selecting a jury,
17 do you?

18 MR. ALLEN: No.

19 THE COURT: Do you know anything about cross-
20 examining witnesses?

21 MR. ALLEN: No.

22 THE COURT: Do you know anything about criminal
23 procedure?

24 MR. ALLEN: I know I don't have to let-

25 THE COURT: Do you know anything-I'm-

1 MR. ALLEN: -this guy suck my dick-
2 THE COURT: Let-let-let me-let me-let-
3 MR. ALLEN: -to get some legal representation.
4 THE COURT: You know something, I'll be honest, Mr.
5 Allen, I really don't believe that.
6 MR. ALLEN: I'm not-I'm not concerned if you believe
7 it or not.
8 THE COURT: I-you know, I-
9 MR. ALLEN: But I'm-I'm supposed to-I'm supposed to
10 have a right to get a attorney-
11 THE COURT: That-
12 MR. ALLEN: -and I'm not going to work with this
13 attorney.
14 THE COURT: Well, that's up to you.
15 MR. ALLEN: So I hold myself in contempt if you try
16 to pull me up here to court with that attorney.
17 THE COURT: That-that's fine. I mean, that's up to
18 you. You-I told you what your choices are. You can go
19 to trial-
20 MR. ALLEN: I'm-I'm just telling you. Well-
21 THE COURT: Lis-listen to me.
22 MR. ALLEN: -I'll just hold myself in contempt.
23 THE COURT: Listen to me.
24 MR. ALLEN: Fuck you.
25 THE COURT: Listen to me.

1 MR. ALLEN: Go fuck yourself.
2 I'm through here.. Are y'all done?
3 THE COURT: I-I am finding-I'm finding you in
4 contempt of court.
5 MR. ALLEN: I don't care.
6 THE COURT: I know you don't. And I sentence you to
7 twenty days for that. And if you say anything else, I'm
8 going to add twenty days for everything you say.
9 MR. ALLEN: Fuck you.
10 THE COURT: Forty days.
11 MR. ALLEN: Fuck you again.
12 THE COURT: Sixty.
13 MR. ALLEN: Go fuck yourself.
14 THE COURT: A year..
15 MR. ALLEN: Your mamma.
16 THE COURT: Ten years.
17 MR. ALLEN: Suck my dick.
18 THE COURT: You know something, this is going to be
19 an interesting trial.
20 MR. ALLEN: Oh, yeah?
21 THE COURT: Oh, yeah.
22 MR. ALLEN: You're not supposed to smile in court.
23 You know that if you smile-
24 THE COURT: I can smile anytime I want to.
25 MR. ALLEN: -it's a violation-

1 Now, you're cussing and yelling at me.
2 THE COURT: I have not cussed.
3 MR. ALLEN: Yeah, you did.
4 THE COURT: I am yelling.
5 MR. ALLEN: Well, go fuck yourself. Suck my dick.
6 THE COURT: That's why I'm yelling.
7 MR. ALLEN: Suck my dick.
8 THE COURT: You know something, you are absolutely
9 the rudest person I think I've--
10 MR. ALLEN: You reckon--
11 THE COURT: --ever met.
12 MR. ALLEN: You reckon if I let you suck my dick that
13 I could get a fair trial here?
14 THE COURT: Oh, I don't think so.
15 MR. ALLEN: I got a big dick now, and if I pull it
16 out--
17 THE COURT: I don't think that's going to get you a
18 fair trial unless you have--
19 MR. ALLEN: I'm done.
20 THE COURT: --every one of the jurors do it.
21 MR. ALLEN: I don't think that mouth is big enough,
22 sir. I've got a big old donkey dick.
23 THE COURT: You know, I'm sure mine's--I'm sure mine's
24 not.
25 MR. ALLEN: I've got a big old donkey dick for that

1 ass.

2 THE COURT: Good! I'm sure the women love it.

3 MR. ALLEN: I don't fuck girls.

4 THE COURT: Oh, oh, no. I'm sorry.

5 MR. ALLEN: I fuck boys.

6 THE COURT: Oh, I'm sorry. You prefer men.

7 MR. ALLEN: I fuck boys.

8 THE COURT: You prefer men; right?

9 MR. ALLEN: I fuck white-white boys.

10 THE COURT: You-oh, oh, white or black?

11 MR. ALLEN: White boys.

12 THE COURT: Oh. Butt boys?

13 MR. ALLEN: With big butts.

14 THE COURT: Oh, of course. You know, you look like

15 a queer.

16 MR. ALLEN: Well, okay. So now you're calling me a

17 queer in the courtroom.

18 THE COURT: I didn't call you one. I said you looked

19 like one.

20 MR. ALLEN: You're yelling.

21 THE COURT: Do you understand the English language?

22 MR. ALLEN: Wait, you're yelling. You're laughing.

23 THE COURT: Do you understand the English language?

24 MR. ALLEN: This is--this--this is kangaroo court, sir.

25 THE COURT: Do you--you know what. No, we're not in

1 Australia.

2 MR. ALLEN: I mean, if you want to suck my dick, you
3 can do it anytime now. We can.

4 THE COURT: Oh--

5 MR. ALLEN: get this court ordered

6 THE COURT: you're-you're so smart.

7 MR. ALLEN: Do we have to court-order this?

8 THE COURT: You're so funny. You're so cute.

9 MR. ALLEN: Can we get a court order to get my dick
10 sucked, sir?

11 THE COURT: You're so cute. I know all the inmates
12 just love you to death.

13 MR. ALLEN: Oh, yeah.

14 THE COURT: Oh, I bet.

15 MR. ALLEN: All the white butt boys love me to death,
16 too.

17 THE COURT: Okay. Well, I'll bet they do, and I bet
18 all the rest of them do, too.

19 MR. ALLEN: You ain't supposed to smile in court.

20 THE COURT: I'll bet everybody enjoys sucking your
21 cock.

22 MR. ALLEN: You ain't supposed to be smiling in
23 court. That's a violation--

24 THE COURT: I can smile anytime I damn want to.

25 MR. ALLEN: Now, you're yelling at me again

1 THE COURT: I am. I'm yelling.
2 MR. ALLEN: You're getting mad.
3 THE COURT: Can you hear me?
4 MR. ALLEN: You're shaking.
5 THE COURT: I am yelling at you.
6 MR. ALLEN: Well, reckon you could suck my dick?
7 THE COURT: Yelling.
8 MR. ALLEN: Can you take a break?
9 THE COURT: Yelling
10 MR. ALLEN: Can you take a break?
11 THE COURT: I am yelling at you.
12 MR. ALLEN: Can you take a break?
13 THE COURT: Yelling.
14 MR. ALLEN: Can I get my dick sucked?
15 THE COURT: Can you hear me? Yelling.
16 MR. ALLEN: Can I get my dick sucked?
17 THE COURT: Yelling. Yelling.
18 MR. ALLEN: Are you ready to suck now? Have you got
19 it all out.
20 THE COURT: You know something--
21 MR. ALLEN: You will, but you want me to fuck you in
22 the butt then; right?
23 THE COURT: Oh, my goodness. You've got plenty of
24 that over in the jail.
25 MR. ALLEN: I could see it on you when I come in the

1 courtroom.

2 THE COURT: Okay. That's fine. You're going to be

3 here on let me tell you how this is going to work. You're

4 going to be-

5 MR. ALLEN: You ain't going to tell me shit.

6 THE COURT: Listen.

7 MR. ALLEN: Suck my dick.

8 THE COURT: Shut up. Listen to me.

9 MR. ALLEN: Suck my dick, you fuckman.

10 THE COURT: Listen!

11 MR. ALLEN: Suck my dick.

12 THE COURT: You will be here in court on Mon

13 MR. ALLEN: You'll be here sucking my dick.

14 THE COURT: You will listen to me, now.

15 MR. ALLEN: Go fuck yourself.

16 THE COURT: Okay. I'm going to tel' you how this s

17 going to work. You either listen or not. I don't care.

18 MR. ALLEN: I'm through. Can I leave the courtroom?

19 THE COURT: No.

20 DEPUTY SHERIFF: No, you've got to stay here.

21 MR. ALLEN: No, I'm not talking to the bastard.

22 THE COURT: We are going to have the trial Monday

23 week.

24 MR. ALLEN: No. The fuck we are. I ain't going

25 to trial with his lawyer present.

1 THE COURT: Listen, if you do not
2 MR. ALLEN: Suck my dick, you s i n k i n g - a s s c r a c k e r
3 THE COURT: If you act l i k e t h i s - i f you act l i k e
4 t h i s , I w i l l s e n d you o u t o f t h e c o u r t r o o m -
5 MR. ALLEN: O l d b i t c h - a s s c r a c k e r .
6 THE COURT: - a n d l e a v e you o u t o f t h e c o u r t r o o m
7 d u r i n g t h e t r i a l .
8 MR. ALLEN: H o r s e a s s c r a c k e r .
9 THE COURT: D o you u n d e r s t a n d t h a t ?
10 MR. ALLEN: H o r s e - a s s , d i c k s u c k i n g - a s s -
11 THE COURT: D o you u n d e r s t a n d t h a t ?
12 MR. ALLEN: - b i g b u t t -
13 THE COURT: D o you u n d e r s t a n d t h a t ?
14 MR. ALLEN: f u c k m a n - a s s c r a c k e r .
15 THE COURT: D o you u n d e r s t a n d t h a t ?
16 MR. ALLEN: G e t t i n g m a d , a i n ' t you?
17 THE COURT: S t u p i d .
18 MR. ALLEN: O r r e d - f a c e d ?
19 THE COURT: L i s t e n !
20 MR. ALLEN: N o w , you ' r e c a l l i n g m e s t u p i d .
21 THE COURT: L i s t e n . Y e s , I a m .
22 MR. ALLEN: T h i s i s k a n g a r o o c o u r t .
23 THE COURT: Y o u k n o w w h a t , you h a v e a c o n s t i t u t i o n a l
24 r i g h t t o b e a d u m b a s s .
25 MR. ALLEN: W a y d o n ' t you j u m p u p o n t h e s t a n d a n d -

1 THE COURT: You have a constitutional right to be a
2 dumbass.

3 MR. ALLEN: and jump around like a fucking kangaroo,
4 you dumb bastard?

5 THE COURT: Well, if you

6 MR. ALLEN: Suck my dick. I ain't-

7 THE COURT: if you-if you-

8 MR. ALLEN: -listening to nothing you say.

9 THE COURT: If you come in here Monday week and-

10 MR. ALLEN: How about this? I'll kill your whole
11 family. When I get in this trial, I will murder your
12 whole family. I'll cut your children up into pieces.
13 I'll knock their brains out with a fucking hammer and feed
14 them to you.

15 THE COURT: Are are you asking this down?

16 COURT REPORTER: Yes, sir.

17 THE COURT: Okay. I am going to refer you to the
18 district attorney's office.

19 MR. ALLEN: I don't give a fuck who you're referring
20 to.

21 THE COURT: I-I'm just telling you.

22 MR. ALLEN: I thought you were referring to my
23 motherfucking dick, fuckman.

24 THE COURT: Aggra aggravated aggravated assault,
25 terroristic threats, and we'll just add to it.

1 MR. ALLEN: I don't give a fuck. I will murder you,
2 your whole family, your kids. I'm not supposed to be in
3 jail. I was framed. That motherfucker asked me to eat
4 his ass for a bag of coffee.

5 THE COURT: Well, you know--

6 MR. ALLEN: --and now you're telling me that I've got
7 to-I got to go to trial with this fuckman over here.

8 THE COURT: You're obviously--

9 MR. ALLEN: He's probably a pedophile.

10 THE COURT: You're obviously fixated on butts and
11 dicks.

12 MR. ALLEN: Fuh? I'm fixated on your mouth.

13 THE COURT: No, you're fixated on butts and dicks.

14 MR. ALLEN: You've got a nasty mouth, sir.

15 THE COURT: Oh, I have an awful mouth.

16 MR. ALLEN: You have a big old fat mouth.

17 THE COURT: I do.

18 MR. ALLEN: You got to have a big old mouth to get
19 this dick in it.

20 THE COURT: I sure do.

21 MR. ALLEN: All right.

22 THE COURT: Yep. I'm proud of it.

23 MR. ALLEN: 'll make sure the next time I come to
24 court--

25 THE COURT: I

1 MR. ALLEN: -I'll pull it out and jack on you.
2 THE COURT: Okay. Why don't you do that right now?
3 MR. ALLEN: I jack on white boys-
4 THE COURT: Why don't you do it right now?
5 MR. ALLEN: -just like I jack on females.
6 THE COURT: Do it now.
7 MR. ALLEN: I can't do it now.
8 THE COURT: Do it now.
9 MR. ALLEN: I ain't got-I ain't got but-
10 THE COURT: I don't care.
11 MR. ALLEN: Take off the cuffs.
12 THE COURT: How many hands do you have to have to do
13 it.
14 MR. ALLEN: Take off the cuffs.
15 THE COURT: Come on-no. Jack off.
16 MR. ALLEN: This is kangaroo court.
17 THE COURT: Come on. Jack off.
18 MR. ALLEN: This is-this is a kangaroo court.
19 THE COURT: Jack off right now.
20 MR. ALLEN: Are y'all getting this?
21 THE COURT: Yes, they're getting it.
22 MR. ALLEN: I'm-I'm-I'm going to make sure. This guy
23 done called me stupid. This motherfucker done told me he
24 was going suck my dick.
25 THE COURT: I did not say that.

1 MR. ALLEN: He wanted me to fuck him in the butt.
2 THE COURT: I did not say that either.
3 MR. ALLEN: Uh, you're a--you're a real, real
4 nasty-ass judge. This is--
5 THE COURT: I am indeed, and you're going to find
6 out--
7 MR. ALLEN: Now--
8 THE COURT: --how nasty I really am.
9 MR. ALLEN: You'll find out how nasty I am when I
10 murder your whole family, bitch.
11 THE COURT: Oh, that's fine. You know, you'll be in
12 jail so long you won't have a chance.
13 MR. ALLEN: The babies will be going, "Daddy, Daddy,
14 help me." I'm just going to knock their brains out with
15 a fucking hammer.
16 THE COURT: Okay. Well, you know, if I had any kids,
17 you'd probably be able to do that, but since I don't have
18 any, it doesn't really matter.
19 MR. ALLEN: Well, then I'll get your nieces, your
20 nephews, your sisters.
21 THE COURT: It doesn't really matter. I don't have
22 any of those either.
23 MR. ALLEN: Grandkids.
24 THE COURT: Don't have any of those either.
25 MR. ALLEN: Aunties, aunts.

1 THE COURT: How can I have grandkids if I don't have
2 any kids?
3 MR. ALLEN: Brothers, sisters?
4 THE COURT: Stupid. You know, you-you're just
5 completely, completely have no idea of the English
6 language.
7 MR. ALLEN: If you're not going to suck my dick, sir,
8 I don't-I don't want to be here.
9 THE COURT: Okay. I've enjoyed this. I hope you
10 have. I know everybody else in the courtroom has enjoyed
11 it, but you can go now, and if-
12 MR. ALLEN: All right. Well, I-
13 THE COURT: -if on Monday week this happens again,
14 you will not stay in the courtroom.
15 MR. ALLEN: Suck my dick, sir.
16 THE COURT: Okay.
17 MR. ALLEN [as he was being escorted out of the
18 courtroom]: I'm subpoenaing y'all's ass in the
19 courtroom.
20 [The defendant was escorted out of the courtroom, and
21 these proceedings were concluded at 2:19 p.m. on Friday,
22 June 17, 2016.]
23
24
25

COURT REPORTER'S CERTIFICATE

STATE OF GEORGIA

COUNTY OF FLOYD

I, FAY FRANKLAND, do hereby certify that the foregoing record, pages 2 through 19 of Volume 1, for File No. 15CR02515-JFL003, is a true, complete, and correct transcription of the proceedings reported by me or under my direction, and copies of any physical or documentary evidence tendered and admitted during such proceedings, in the Superior Court of Floyd County, State of Georgia, on May 17, 2016.

This 20th day of June, 2016.

Fay Frankland
FAY FRANKLAND, C.C.R. NO. B-332
OFFICIAL COURT REPORTER
ROME, GEORGIA

